

***United States Court of Appeals
for the
District of Columbia Circuit***



**TRANSCRIPT OF
RECORD**

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Court of Appeals, District of Columbia

APRIL TERM, 1909.

No. 1996.

633

OLAN G. ROOTE, APPELLANT,

vs.

CHARLOTTE E. ROOTE, ALIAS LOTTIE E. ROOTE, ALIAS
ALICE WILLIAMS, AND CHARLES MASON.

APPEAL FROM THE SUPREME COURT OF THE DISTRICT OF COLUMBIA

FILED MARCH 17, 1909.

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In the Court of Appeals of the District of Columbia.

No. 1996.

OLAN G. ROOTE, Appellant,
vs.
CHARLOTTE E. ROOTE, &C., ET AL.

a Supreme Court of the District of Columbia.

Equity. No. 28004.

OLAN G. ROOTE, Plaintiff,
vs.
CHARLOTTE E. ROOTE, alias LOTTIE E. ROOTE, alias ALICE
WILLIAMS, and CHARLES MASON, Defendants.

UNITED STATES OF AMERICA,
District of Columbia, ss:

Be it remembered, that in the Supreme Court of the District of Columbia, at the City of Washington, in said District, at the times hereinafter mentioned, the following papers were filed and proceedings had in the above entitled cause, to wit:

1 *Bill.*

Filed August 26, 1908.

In the Supreme Court of the District of Columbia.

Equity. No. 28004.

OLAN G. ROOTE, Plaintiff,
vs.
CHARLOTTE E. ROOTE, alias LOTTIE E. ROOTE, alias ALICE
WILLIAMS, and CHARLES MASON, Defendants.

To the Honorable the Justice Holding an Equity Term:

The petition of Olan G. Roote, the above named plaintiff respectfully represents as follows:

1. That he is a citizen of the United States and a resident of the District of Columbia, and brings this suit in his own right.

2. That Charlotte E. Roote, alias Lottie E. Roote, alias Alice Williams, one of the above named defendants, is a citizen of the United States and a resident of the District of Columbia and is sued as the wife of your petitioner, for a divorce from the bonds of matrimony, because of adultery committed by her with the defendant Charles Mason, and other persons to your petitioner unknown.

3. That Charles Mason, one of the above named defendants, is sued as a co-respondent.

4. That on the thirtieth day of April, A. D. 1907, your petitioner and the defendant wife, whose maiden name was Charlotte E. Hannibal otherwise known as Lottie E. Hannibal, were lawfully married in the City of Washington, in the District of Columbia, by the Reverend James E. Irvine, a duly authorized minister of the Gospel and licensed to solemnize marriages in the District of Columbia, at No. 313 D St. Washington, D. C.

5. That your petitioner and the defendant wife have only lived together as husband and wife for about two days.

6. That the defendant, Charlotte E. Roote, alias Lottie E. Roote, alias Alice Williams, on or about the 17th day of July, 1908, without the knowledge, consent, privity, procurement or connivance of your petitioner took up her abode and place of habitation, in a house of reputed prostitution and ill fame, located at No. 1309 C St. N. W. Washington, D. C., and refused and still does refuse to live with your petitioner, but continues to reside in said house, there leading a life of prostitution and immorality.

7. That since the said 17th day of July, 1908, the said defendant Charlotte E. Roote alias Lottie E. Roote, alias Alice Williams, on divers days and times and at the house aforesaid, has committed acts of adultery with divers persons to your petitioner unknown, and on to wit: the 20th day of August, A. D. 1908, the said defendant wife at the house aforesaid, did then and there commit adultery with the co-respondent, Charles Mason, and from and since that time and day, the said defendant wife, has on divers days and times with divers persons, to your petitioner unknown, committed other acts of adultery at the said house.

8. And your petitioner alleges and charges that the said acts of adultery were committed without the consent, connivance, provity or procurement of your petitioner, and after discovery of said offences the petitioner has not cohabited voluntarily with the defendant wife.

Wherefore, the premises considered your petitioner prays:

1. That a writ of subpoena issue against the defendants, Charlotte E. Roote alias Lottie E. Roote, alias Alice Williams, and Charles Mason, commanding them and each of them to appear and answer the exigencies of this his petition.

2. That a decree be passed by this Court, dissolving the bonds of matrimony now existing between your petitioner and the defendant Charlotte E. Roote, alias Lottie E. Roote, alias Alice Williams.

3. That your petitioner may have such other and further relief

as the nature of his case may require, and as to the Court may seem meet and proper, and your petitioner will ever pray.

OLAN G. ROOTE,
Petitioner.

WM. J. NEALE,
Solicitor for Petitioner, 508 F St. N. W.

CITY OF WASHINGTON,
District of Columbia, ss:

I, Olan G. Roote, being first duly sworn, on oath depose and say that I am the identical person named as Plaintiff in the foregoing and annexed petition, by me subscribed, that I have read said
4 petition and know the contents thereof, and that those matters and things therein stated as true are true, and that those matters and things therein stated upon information and belief I believe to be true.

OLAN G. ROOTE.

Subscribed and sworn to before me, this 25th day of August, A. D. 1908.

[SEAL.]

JAMES F. NEALE,
Notary Public, District of Columbia.

Memoranda.

Spa. to Answer issued August 26, 1908—Returned “Summoned defendant Charlotte E. Roote, alias Lottie E. Roote, alias Alice Williams, personally, August 26, 1908—defendant Charles Mason, not to be found September 8, 1908.”

Alias Spa. to Answer issued September 17, 1908—Returned September 29, '08—“Summoned defendant Charles Mason, personally September 26, 1908.”

5 *Order Referring Cause to Examiner and Appointing Attorney.*

Filed November 6, 1908.

In the Supreme Court of the District of Columbia.

Equity. No. 28004.

OLAN G. ROOTE, Plaintiff,

vs.

CHARLOTTE E. ROOTE, Defendant.

It appearing to the Court that the defendants herein have been duly served with process and have failed to appear as commanded, it is by the Court this 6th day of November, A. D. 1908, ordered that the said cause be referred to Oscar Nauck an examiner in Chancery,

to take the testimony of the respective parties hereto, and that J. Wilmer Latimer be and he is hereby appointed attorney for the defendants to defend the said respondents actively in this cause.

By the court:

JOB BARNARD, *Justice.*

Testimony for Complainants.

Filed November 25, 1908.

In the Supreme Court of the District of Columbia.

Equity. No. 28004.

OLAN G. ROOTE

vs.

CHARLOTTE E. ROOTE, alias LOTTIE E. ROOTE, alias ALICE WILLIAMS, and CHARLES MASON.

6 At the request of William J. Neale, Esq., Solicitor for complainant, and by virtue of order of reference to me passed November 6, 1908, I have this day fixed Thursday next, November 19, 1908, at one o'clock in the afternoon of that day, and the office of Albert Harper, Esq., No. 426 Fifth Street, Northwest, in the city of Washington, District of Columbia, as the time and place when and where testimony on behalf of the complainant in the above entitled cause will be taken before me.

OSCAR NAUCK,
Examiner in Chancery.

November 17, 1908.

To J. Wilmer Latimer, Esq., Assigned Solicitor for Defendants:

Take notice that at the time and place fixed in the foregoing order I shall take testimony on behalf of the complainant in the above entitled cause.

WM. J. NEALE,
Solicitor for Complainant.

November 17, 1908.

Service acknowledged this 17th day of November, 1908.

Assigned Sol'r for Def'ts.

* * * * *

Be it remembered that at examination of witnesses begun and held on the 19th day of November, 1908, pursuant to foregoing notice, and at other times agreeably to adjournments, personally appeared before me, Oscar Nauck, an Examiner in Chancery of the Supreme Court of the District of Columbia, the within named Olan G. Roote, William G. Davis, and Charlotte Carter, who,

being produced as witnesses of lawful age, for and on behalf of the complainant, and being first duly sworn and cautioned to tell the truth, the whole truth, and nothing but the truth, touching the matters in the above entitled cause, did depose and say as follows:

NOVEMBER 19, 1908, THURSDAY, 1 o'clock p. m.

Met pursuant to foregoing notice.

Appearances: J. Wilmer Latimer, Esq., Assigned Solicitor for defendants; also the Examiner, Oscar Nauck, Esq.; and William J. Neale, Esq., Solicitor for the Complainant.

OLAN G. ROOTE, who, being produced as a witness of lawful age for and on behalf of himself as the complainant, and being first duly sworn, deposes and says:

Direct examination.

By Mr. NEALE:

Q. Will you please state your name, age, occupation and residence? A. My name is Olan G. Roote; I am 25 years of age; I am not employed at the present time; I reside at No. 1363 East Capitol Street, in the city of Washington, D. C.

Q. You are the complainant in this suit? A. Yes.

Q. You are a citizen of the United States and a resident of the District of Columbia? A. Yes.

8 Q. How long have you resided in the District of Columbia? A. Several years.

Q. Do you know the defendant, Charlotte E. Roote, alias Lottie E. Roote, alias Alice Williams, and the defendant, Charles Mason? A. I know the defendant, Charlotte E. Roote, she being my wife; I do not know the defendant, Charles Mason.

Q. Where does your wife, the defendant, Charlotte E. Roote, reside? A. At No. 1309 C street, northwest, in this city.

Q. Was she residing there on the 20th of August, 1908? A. Yes.

Q. By what name is she known at that place? A. As Alice Williams.

Q. Will you please state what kind of a place that house is? A. It is a house of prostitution.

Q. Have you ever been there? A. Yes.

Q. When were you married to the defendant, Charlotte E. Roote? A. I was married to her on the 30th of April, 1907, at No. 313 D street, northwest, in this city.

Q. Are you living with your wife at the present time? A. No, sir.

Q. How long has it been since you lived with her? A. I left her on the 17th of July, 1908.

9 Q. Where did she go when you left her on the 17th of July, 1908. A. She went to this house of prostitution, No. 1309 C street, Northwest, in this city.

Q. And has she been living there ever since that time? A. Yes.

Q. Have you ever requested her to come and live with you since that time? A. Yes, several times.

Q. What did she say to you when you requested her to come and live with you? A. She refused to do so, and I decided to get a divorce from her, and I got my friend, Mr. Davis, to go with me down to this place, No. 1309 C street, to get testimony against her.

Q. Did you point her out to Mr. Davis when you went there with him? A. Yes.

Q. I show you this picture and ask you if it is a photograph of your wife? A. Yes, this is a picture of me and my wife.

Q. Is that a picture of the woman who lives in that house of prostitution No. 1309 C street, by the name of Alice Williams? A. Yes.

Mr. NEALE: Solicitor for complainant here gives this photograph in evidence.

(NOTE.—Said photograph is herewith filed in evidence and marked Plaintiff's Exhibit A.) See after last (26) page hereof.

Q. Did you tell your wife that you were going to get a
10 divorce from her? A. Yes, sir; I told her that I would if she did not come out of that house.

Q. What did she say? A. That she never would give me a chance to get a divorce.

Q. When was this? A. Sometime in August, 1908.

Q. You charge in the bill of complaint that your wife has been guilty of acts of adultery; will you state whether or not those acts of adultery were committed by her with your knowledge, consent, privity, procurement or connivance? A. No, sir; they were not.

Cross-examination.

By Mr. LATIMER:

Q. Where did your wife reside before you married her? A. In the city of Baltimore, Maryland.

Q. With her parents? A. With her sister.

Q. What is the name of her sister? A. Mrs. Samuel Little.

Q. What is the address of her sister? A. The address of her sister is No. 2025 Francis Street, Baltimore, Maryland.

Q. Where did you and your wife reside immediately following your marriage? A. At some hotel here, in Washington, for a few days, but I do not remember where it was; and then I went to Pittsburgh, Pennsylvania, to get a job.

11 Q. You went to Pittsburgh to get a job? A. Yes.

Q. Did your wife go with you? A. No, sir; I left her here, and she said she was going back with her sister.

Q. How long did you remain in Pittsburgh? A. About a week.

Q. What did you then do? A. I came back to Baltimore, Maryland, and they said my wife would never come back to me—that is, her sister said that.

Q. And then what did you do? A. I then came back to Washington and went to look up my wife.

Q. Where did you find her? A. In a few days I found her down in the section of this city known as the Division.

Q. When was that? A. That was some time in May, 1907.

Q. That was in about two or three weeks after your marriage? A. Yes.

Q. Did you have any intercourse with your wife there? A. No, sir.

Q. After that time did you have any intercourse or marital relations at all with your wife? A. No, sir; I never did after that.

Q. You spoke about asking your wife to come back and live with you; did you provide a home for her? A. Yes, sir.

12 Q. Where? A. No. 1003 East Capitol Street, in this city.

Q. In a room there? A. Yes, in rooms there.

Q. What was her reply when you asked her to come back and live with you? A. She said she would, until I got the rooms, and then she changed her mind and said she would not come.

Q. Under what name does your wife go at this place, No. 1309 C street, northwest, in this city? A. Under the name of Miss Alice Williams.

Q. You know nothing, as I understand, of your own knowledge, of these acts of adultery committed by your wife, with the defendant, Charles Mason? A. No, sir.

Q. When you left your wife in this city, to go to Pittsburg, did you leave her in the hotel here? A. Yes, sir.

Q. What was your understanding as to where she would live while you were away? A. She was to stay there, at the hotel, and, if I got a job in Pittsburg, she was to come there with me.

Q. Then, you would let her know at this hotel whether or not you got a job in Pittsburg? A. Yes.

Q. Did you write to her from Pittsburg? A. No, I think not.

Q. Then, she heard nothing from you until you saw her at this house of prostitution after you returned from Baltimore? A. 13 Yes, in about a week's time.

Q. Did you pay her board there at the hotel for the time you had gone away? A. Yes, sir; I gave her the money.

Redirect examination.

By Mr. NEALE:

Q. Is this paper, Mr. Roote, which I now hand you, the certificate of the license and marriage of yourself and wife? A. Yes, sir.

Mr. NEALE: Solicitor for complainant here gives in evidence this certificate of license and marriage.

(NOTE.—Said certificate of license and marriage is herewith filed in evidence and marked Plaintiff's Exhibit B.) See after last (26) page hereof.

Recross-examination.

By Mr. LATIMER:

Q. Did you procure this marriage license? A. Yes.

Q. What was the maiden name of your wife? A. Charlotte E. Hannibal.

Q. I see that this license was issued in the name of Lottie E. Hannibal? A. That is the way I understood her name.

Mr. NEALE: Her correct name was Charlotte E. Hannibal?

WITNESS: Yes.

OLAN G. ROOTE.

14 Subscribed and sworn to before me this 19th day of November, 1908.

OSCAR NAUCK, *Examiner*.

WILLIAM G. DAVIS, being produced as a witness of lawful age for and on behalf of this complainant, and being first duly sworn, deposes and says:

Direct examination.

By Mr. NEALE:

Q. Will you state your name, age, occupation and residence. A. My name is William G. Davis; I am forty-three years of age; I am a performer; and I reside at No. 3064 M street, in Georgetown, D. C.

Q. Do you know the parties to this cause, Charlotte E. Roote, alias Lottie E. Roote, alias Alice Williams, and Charles Mason, and the complainant, Olan G. Roote? A. Yes.

Q. Where does the said Charlotte E. Roote, alias Lottie E. Roote, alias Alice Williams, reside? A. She resides at No. 1309 C Street, Northwest, in this city.

Q. What kind of a house is that? A. It is a house of prostitution.

Q. Have you been there on several occasions? A. I have been there on three different occasions.

Q. Do you know of your own knowledge that this place No. 1309 C street, northwest, in this city, is a house of public prostitution? A. Yes.

15 Q. When did you first see the said Charlotte E. Roote, alias Lottie E. Roote, alias Alice Williams, at this house, No. 1309 C street, northwest, in this city, and under what circumstances? A. I went there near about the middle of August, 1908, and this lady was pointed out to me. I went there another time, and I went there once after that; I went there three different times.

Q. Who was it that told you or pointed this lady out to you? A. Mr. Olan G. Roote, the complainant in this cause, nodded his head to me that she was his wife.

Q. He carried you there and pointed her out to you as being his wife? A. Yes.

Q. Did he ask you to watch her? A. Yes, sir.

Q. That was on your first visit to this place? A. Yes.

Q. Did you go there on a second occasion? A. Yes.

Q. Did you see Mrs. Roote there on that occasion? A. Yes, I saw her there every time.

Q. Did you see her, on this second occasion, having any intercourse with any men in that house? A. No, sir.

Q. Did you go there a third time? A. Yes.

16 Q. Did you on this third occasion see at that place together the defendants, Charlotte E. Roote, alias Lottie E. Roote, alias Alice Williams, and Charles Mason? A. Yes.

Q. Tell us what you saw on that occasion. A. I was sitting in the room near by where they have a piano, and this man Mason came in there; he stayed there a while and bought drinks, and he handed this girl, Alice Williams, the money for the drinks—she said she was acting for the housekeeper, who was sick—this Mason took out a five dollar note and handed it to this girl for the round of drinks, and he handed her three dollars from the change, and she put her arm around his neck, and then they went up stairs, and, after a while, they came down stairs in the same position, that is, she had her arm around his neck; and he bought some more drinks, maybe two or three drinks, and she made a remark at the time——

Q. (Interposing.) What remark did she make? A. She said, when they came down stairs, "It was an awful hot baby."

Q. Do you know Mr. Charles Mason? A. I have seen him time and again—I have seen him around the pool room sometimes.

Q. You do not know him personally? A. No, sir; I never knocked around with him, but I have seen him around town for three or four years.

Q. Was he in that house when you went there? A. Yes.

Q. How long after you got there did they go up stairs? A. In fifteen or twenty minutes.

17 Q. You saw him hand her this three dollars? A. Yes, sir; I saw him take out this five dollars, to pay for the drinks; she said she was the housekeeper, that the housekeeper was sick; she had a stockingful of money, she said; she changed the note herself; she said the landlady was sick.

Q. When they came down stairs, did Mr. Mason remain in the house. A. I do not know how long he stayed after I left; I stayed two or three minutes after they came down stairs, and they had two or three drinks, and after that I came out.

Q. You said you were an actor or performer? A. Yes, sir.

Q. Had you ever been in this house before Mr. Roote requested you to go there, and watch his wife? A. Yes, once before, with a crowd from the theater.

Q. Do you know who runs that house? A. Miss Charlotte Carter, who she said was sick at that time.

Q. Do you know from the number of times that you have been there that it is a house of public prostitution? A. Yes, sir; I have seen fifteen or twenty men in the house at different times, when I was there; and at the time I was there, there were three or four men in the house.

Q. How many women in the house? A. Four or five she had there.

Q. What was the nature of the conversation there? A. They would ask a man to buy a drink, and go up stairs. They would flop all over your lap, and ask you to buy a drink and go upstairs.

18 Cross-examination.

By Mr. LATIMER:

Q. Had you known this lady, Mrs. Roote, before you went down there? A. No, sir.

Q. Did you say that you had seen her there previously? A. I went there previously, but I could not say that I saw her there the first time or not; I was only there one night before that, twice from the theater.

Q. Then, you had no knowledge that she was the wife of Mr. Roote except what he told you? A. No, sir.

Q. She did not say anything about it? A. No, I did not hear her say anything about that—I asked her name, and she gave it to me; she gave me her name on the card of the house.

Q. What name was on the card? A. Alice Williams.

Q. She never said anything about her name being Roote? A. No, sir.

Q. You say that this man Mason, and this woman went upstairs. Did you see them go up stairs? A. I was sitting at the edge of the piano, which is near the door, and the foot of the stairs is at the edge of the door, and I saw them go upstairs.

Q. You did not see them after they had gotten to the upper landing of the stairs? A. No, sir.

Q. You do not know what occurred upstairs? A. No, sir; only by what she said after they came down stairs.

Q. You stated that? A. Yes, sir.

Q. Did you see this woman go upstairs with anybody before that third visit of yours at that house? A. No.

Q. Then, you never saw her go upstairs in that house with anybody but this one man? A. That is all.

Redirect.

By Mr. NEALE:

Q. I will ask you to look at this picture, filed as plaintiff's Exhibit A to the testimony in this cause, and state whether or not that is a picture of the woman referred to by you as Alice Williams at this house? A. Yes.

Q. Whilst you were at this house on these various occasions, did you ever hear Mrs. Roote try to induce any man to go upstairs with her? A. I have heard everyone of them do so, and she in particular.

Q. Did you know any of the men whom she asked to go upstairs with her? A. Yes, sir; two or three of the performers of the show that week.

B. Who were they? A. Eddie Gallagher was one,—she would say to them, "Come on, boys, buy a drink, go upstairs and do busi-

ness," several different times. And every woman in the house did that.

20 Q. And this particular woman? A. Yes, she, too; she asked several different men. The landlady would say, "The gas is burning, and I will turn it out after a while if you don't hurry up."

WILLIAM G. DAVIS.

Subscribed and sworn to before me this 19th day of November, 1908.

OSCAR NAUCK, *Examiner*.

NOTE.—Charlotte Carter, having been subpcœnaed as a witness, and she having sent to the Examiner a Doctor's certificate as to her present indisposition and inability to attend at this time, adjourned to—

NOVEMBER 21, 1908, SATURDAY, 3 o'clock p. m.

Met pursuant to adjournment.

Appearances: William J. Neale, Esq., Solicitor for the complainant, who is present; J. Wilmer Latimer, Esq., Assigned Solicitor for defendants; also the Examiner, Oscar Nauck, Esq.; and the witness,

CHARLOTTE CARTER, who, being produced as a witness of lawful age for and on behalf of the complainant, and being first duly sworn, deposes and says:

Direct examination.

By Mr. NEALE:

Q. Will you please state your name, age, occupation and residence? A. My name is Charlotte Carter; I am twenty-seven
21 years of age; I am a dressmaker, at No. 1309 C Street, Northwest, in this city.

Q. You run a sort of rooming house, do you not, at your address, No. 1309 C Street, Northwest, in this city? A. No, sir; I run a house of prostitution there.

Q. Do you know Alice Williams, named as one of the defendants to this cause? A. Yes.

Q. What is her real name, do you know? A. That is the only name I know her by.

Q. Do you know whether or not she is a married woman? A. Yes, her husband was there—that is, she claims that he is her husband; I never saw their marriage license.

Q. What is her occupation there; what does she do there? A. I do not know how to answer that question?

Q. Is she one of the inmates of your house? A. Yes.

Q. She is one of the girls whom you have there for the purpose of prostitution? A. She lives there; yes, sir.

Q. Did she live there during the month of August, 1908? A. Yes.

Q. Do you know Charles Mason, who is also named as defendant

to this cause? A. Not to my knowledge; I may know him, if I were to see him, but not by that name.

Q. Do you know whether or not the said Alice Williams ever had illicit intercourse with men down there? A. I have known
22 her to go up into rooms in my house with men, but I do not know what she did there with them.

Q. You know of your own knowledge that she did go with men up into bedrooms in your house? A. Yes.

Q. And she was there in your house for the purpose of prostitution? A. Yes.

Q. Did she get money from these men who would go up into the rooms in your house with her? A. Yes.

Q. And would she turn part of that money over to you and keep part of it herself? A. Yes.

Q. Look at this photograph, filed as complainant's Exhibit A to the testimony in this cause, and state whether or not that is a picture of this Alice Williams whom you have been testifying about? A. Yes, I have one of them; that is a picture of herself and her husband, taken in New York, I think.

Q. That is a picture of the woman whom you have been testifying about here, Alice Williams, and her husband, Mr. Roote, the complainant in this cause? A. Yes.

Cross-examination.

By Mr. LATIMER:

Q. That is a picture of Alice Williams and her husband? A. Yes, That is, she said he was her husband.

Q. Do you see the original of the male picture in this photograph?
A. Yes. That is the gentleman (pointing to the complain-
23 ant) sitting over there.

Q. You have spoken of seeing the husband of Alice Williams there in your house; when was that? A. The night he struck her in the front parlor.

Q. How long ago was that? A. To the best of my knowledge, about two months ago.

Q. That is, in the month of September, 1908? A. Yes, I think it was, but I will not say positively.

Q. Have you ever seen him before that time to know him?
A. No.

Q. Did she tell you whether or not he was her husband? A. Yes, he was in the parlor and I heard them talking there.

Q. What was the occasion of his striking her? A. Because she would not sign a paper—Do I have to tell you?—he wanted to bring a man there to have intercourse with her, and she said -he would not do it; he asked her to sign a paper to get a divorce, and she said, No, she would not do it.

Q. Were you present when this occurred in that room?

WITNESS: When the conversation was going on?

Mr. LATIMER: Yes.

A. No, I was in the little parlor and I heard her scream.

Q. All you know about it is what she told you? A. Yes, I did not hear the conversation at all.

Q. Have you ever seen her husband since that time until to-day?

A. No.

24 Q. Do I understand that she is now living at your house?

A. No; she now lives at Mabel Gray's where he married her from.

Q. Where is that? A. On C Street, over beyond us; 1440 C Street, Northwest.

Q. You spoke of his having married her from there; what knowledge have you of that? A. From another girl who lived in that house at the time he married her.

Q. Then, your information came from some other person? A. It came from Miss Mabel Gray, and all the girls there; they all told me that she was married from there.

Q. You have no knowledge of your own about that? A. No, I was not there.

Q. Do you know whether or not Alice Williams got a letter from an attorney by the name of Latimer, within the last few days, notifying her that he had been appointed by the Court to represent her in this case? A. No, sir; she left there last Sunday night, a week to-morrow.

Q. Do you know where she is now? A. She is at Miss Pauline Hall's, 1438 C Street, Northwest.

Q. She is living there permanently now? A. Yes, sir.

Q. A letter addressed to her at your house would be forwarded or sent to her? A. She knows that I was coming down here to-day, because I sent for her Thursday, and sent her the paper or
25 subpoena that was served on me to testify here.

Q. Did she say anything about coming here, herself? A. No, sir. There was a lawyer there a week or so before she left, and wanted to take her case.

Q. Did she say she knew of the case? A. No, she said she had not heard anything of it. I have the card of the attorney who was there, and, if you care for it, I can send it to you. There were two of them in business together, but only one of them called. I think there were two names together on the card, but I do not remember the names. He had some paper for her to sign, a typewritten paper, with some man's name on it, as testifying against her,—I don't know.

Mr. LATIMER: I suggest to the Examiner that he now read to the witness the last statement she has just made and see whether or not it is correctly reported.

(NOTE.—Which is accordingly done.)

WITNESS: That is correct.

Redirect.

By Mr. NEALE:

Q. You have testified about an attorney calling to see her. Do you know whether or not it was in relation to this case? A. Yes. He had a paper with her husband's name on it.

Q. Do you know whether or not that was before or after you got this subpoena to appear here? A. It was before.

26 Q. Before you got the subpoena to appear here and testify?
A. Yes. He wanted her to sign this paper and she would not sign it.

Q. How long ago was that? A. About two weeks ago. She has been away from my house two weeks to-morrow.

Q. Was it a white man or a colored man who called there? A. I would not have let him in the house, if it had been a colored man.

Q. Then, he was a white man? A. Very evident. I did not see him at all. He was down in the parlor talking to her, and the housekeeper saw him.

Q. You did not see him at all, but the housekeeper saw him? A. I was sick in my room at the time. She brought the paper up to me, and I saw it. The housekeeper saw him, I think; I did not see him.

Q. Then, you do not know whether he was an attorney or not? A. Only by his card. She brought the paper up, and asked me if she should sign it, and I told her to use her own judgment about it.

Q. You testified about Mrs. Roote's husband having been there, and you say that was in September? A. To the best of my knowledge, it was about two months ago.

Recross-examination.

By Mr. LATIMER:

27 Q. What is the name of your housekeeper? A. I have a new one now.

Q. But at that time? A. Billie Wilson.

Q. Did you ever hear her called by any other name than that? A. No, not that I know of.

Q. Is she still living with you? A. Yes.

Q. But she is not the housekeeper now? A. No.

Q. Was it Billie Wilson or Alice Williams who brought this paper up to you? A. It was Alice Williams.

Q. Did Alice Williams bring the card of the attorney up to you at the same time? A. Yes. She would not sign the paper. I think she brought the card up afterwards, and left it there in the house, and it is there now.

Q. Who saw this attorney besides Alice Williams and the housekeeper, Billie Williams? A. No one else.

Q. No one but those two? A. No.

CHARLOTTE CARTER.

Subscribed and sworn to before me this 21st day of November, 1908.

OSCAR NAUCK, *Examiner*.

28 Mr. LATIMER: I would request the Examiner, Mr. Nauck, to notify the defendant, Charlotte E. Roote, alias Lottie E. Roote, alias Alice Williams, by a letter addressed to her as Alice Williams, at her address as given by this witness, that if she

cares to make any statement regarding this case she can do so at the next session for the taking of testimony which will be fixed for Tuesday next, the 24th instant, at one o'clock P. M.

OSCAR NAUCK, *Examiner*.

NOVEMBER 24, 1908, TUESDAY, 1 o'clock p. m.

Met pursuant to adjournment.

Appearances: William I. Neale, Esq., Solicitor for the complainant, who is present; J. Wilmer Latimer, Esq., assigned Solicitor for defendants, one of whom, Charlotte E. Roote, alias Lottie E. Roote, alias Alice Williams, is present; also the Examiner, Oscar Nauck, Esq.

Whereupon, Solicitor for the complainant here announces the testimony in chief on his behalf closed.

And, thereupon—

Mr. LATIMER: The defendant, Charlotte E. Roote, known as Alice Williams, appears here to-day in response to the notice sent to her by the Examiner, as requested by me at the last session, and, I having read to her the testimony taken in this cause on behalf of the complainant, she declines to make any statement, and says that she wishes no defense interposed for her in this case by me. Is that right, Miss Williams?

Miss WILLIAMS (defendant): That is right. Referring to the matter of a certain lawyer calling upon me, mentioned in
29 the testimony in this case, I wish only to say that he desired me to sign some papers, which I refused to do; and he then asked me to give back to him his business card, which he had handed me, and which I gave back to him; but I do not remember his name.

OSCAR NAUCK, *Examiner*.

30

PLAINTIFF'S EXHIBIT B.

Supreme Court, D. C.

In Equity. No. 28004.

ROOTE

vs.

ROOTE ET AL.

No. 36870.

Marriage License.

To James E. Irvine, authorized to celebrate marriages in the District of Columbia, Greeting:

You are hereby authorized to celebrate the rites of marriage between Olan G. Roote, of Ft. Defiance, Va. and Lottie E. Hannibal, of Phoenix, Md. and having done so, you are commanded to make return of the same to the Clerk's Office of the Supreme Court of said District within ten days, under a penalty of fifty dollars for default therein.

Witness my hand and seal of said Court this 30th day of April
Anno Domini 1907.

JOHN R. YOUNG, *Clerk*,
By F. L. WILLIAMS,
Assistant Clerk.

No. 36870.

Return.

I, James E. Irvine, who have been duly authorized to celebrate the rites of marriage in the District of Columbia, do hereby certify that, by authority of license of corresponding number herewith, I solemnized the marriage of Olan G. Roote and Lottie E. Hannibal named therein, on the 30th day of April, 1907, at 313 D St. N. W., in said District.

JAMES E. IRVINE.

Clerk's Office, Supreme Court of the District of Columbia.

I, John R. Young, Clerk of the Supreme Court of the District of Columbia, hereby certify that the foregoing License and Certificate of Marriage are truly copied from Originals of Record on file in said Office.

Witness my hand and the seal of said Court, the 18 day of Nov., 1908.

[SEAL.]

JOHN R. YOUNG, *Clerk*.

DISTRICT OF COLUMBIA, *To wit:*

I, Harry M. Clabaugh, Chief Justice of the Supreme Court of the District of Columbia, do certify that the foregoing attestation by John R. Young, Clerk of the said Court, is in due form.

Witness my hand and seal, this 18th day of Nov., 1908.

HARRY M. CLABAUGH, [SEAL.]
Chief Justice, etc.

31

Decree Dismissing Bill.

Filed January 18, 1909.

In the Supreme Court of the District of Columbia.

No. 28004. Equity Doc. 62.

OLAN G. ROOTE

vs.

CHARLOTTE E. ROOTE ET AL.

This cause came on to be heard upon the pleadings and testimony taken both before the examiner orally and in the presence of the Court and having been submitted and considered, and the court finds from the evidence that the plaintiff is not entitled to a divorce

for any cause alleged in the petition therefore it is, this 18th day of January, A. D. 1909, adjudged, ordered and decreed that the bill be, and the same hereby is, dismissed at the costs of the pl'ff; and it is further ordered that the complainant pay forthwith to the solicitor appointed herein to defend the sum of twenty-five dollars, in default of which execution shall issue as at law.

WRIGHT, *Justice*.

32 *Entry of Appeal and Order for Citation.*

Filed January 18, 1909.

In the Supreme Court of the District of Columbia, Holding an
Equity Court.

Equity. No. 28004.

OLAN G. ROOTÉ, Plaintiff,

vs.

CHARLOTTE E. ROOTÉ ET AL., Defendants.

The Clerk of this Court will please note, on behalf of the plaintiff, Olan G. Roote, an appeal to the Court of Appeals of the District of Columbia from the decree entered in the above entitled cause, will issue a citation to the defendants Charlotte E. Roote and Charles Mason, and prepare a transcript of the record.

WM. J. NEALE,
Attorney for Olan G. Roote.

33 In the Supreme Court of the District of Columbia.

No. 28004. In Equity.

OLAN G. ROOTÉ

vs.

CHARLOTTE E. ROOTÉ ET AL.

The President of the United States to Charlotte E. Roote, alias Lottie E. Rooté alias Alice Williams & Charles Mason, Greeting:

You are hereby cited and admonished to be and appear at a Court of Appeals of the District of Columbia, upon the docketing the cause therein, under and as directed by the Rules of said Court, pursuant to an Appeal filed in the Supreme Court of the District of Columbia, on the 18th day of January, 1909, wherein Olan G. Roote is Appellant, and you are Appellees, to show cause, if any there be, why the Decree rendered against the said Appellant, should not be corrected, and why speedy justice should not be done to the parties in that behalf.

Witness the Honorable Harry M. Clabaugh, Chief Justice of the

Supreme Court of the District of Columbia, this 18th day of January, in the year of our Lord one thousand nine hundred and nine.

[Seal Supreme Court of the District of Columbia.]

J. R. YOUNG, *Clk*,
By F. E. CUNNINGHAM,
Ass't Clerk.

Service of the above Citation accepted this 22nd day of January, 1909.

J. W. LATIMER,
Attorney for Appellees, Appointed by the Court.

[Endorsed:] 9. No. 28004. Equity. Olan G. Roote, Plaintiff, vs. Charlotte E. Roote *et al.*, Defendants. Citation. Wm. J. Neale, Attorney for Appellant, 508 F St. N. W.

34

Memoranda.

January 22, 1909.—Penalty of Appeal bond fixed at \$100.00.

January 28, 1909.—Appeal bond filed.

Statement of Testimony Taken by the Court in Chambers.

Filed February 13, 1909.

In the Supreme Court of the District of Columbia, Holding an Equity Court.

Equity. No. 28004.

OLAN G. ROOTE, Plaintiff,
vs.

CHARLOTTE E. ROOTE ET AL., Defendants.

This cause having been submitted to the Court, on January 12th, 1909, by Counsel, without argument, and upon the testimony taken before the Examiner the Court required further testimony. Whereupon subpoenas were duly issued by the Court, directing the Plaintiff and the Defendant, Charlotte E. Roote, to appear before the Court on Thursday, January 14th, 1909, at 11 o'clock A. M., of which, respective Counsel were notified, and in obedience to said subpoenas the said parties appeared in Court as directed: Whereupon a hearing was had in Chambers, in the presence of Counsel for the Plaintiff and Defendants and the parties.

35 The plaintiff, Olan G. Roote, in response to questions by the Court, stated: That at the time of his marriage to the defendant on April 30th, 1907, he "must have been drunk," that after the marriage ceremony, which was performed about four o'clock P. M., he and his wife proceeded to a hotel on the North side of Pennsylvania Avenue, N. W., in Washington City, where he engaged

a room for himself and wife, that they stayed at the hotel for several days and that he paid for his own and his wife's board and lodging there, that on the Sunday following, he left Washington, for Pittsburgh, Pennsylvania, where he hoped to obtain employment, and left his wife at the said hotel, and gave her money with which to support herself until he could become permanently settled, he having already paid to the hotel his wife's board in advance, that he stayed in Pittsburgh about a week and failed to obtain employment, and then went to Baltimore, Maryland, stopped at the latter place for a few days, that when he returned to the hotel where he had left his wife, he found that she had left, and located her in a house of prostitution on C St. N. W. Washington, D. C., about four months after the marriage he rented two rooms on East Capitol St., and sent a carriage to the house of prostitution where his wife then was living, to bring her to his home, and that when the carriage arrived she sent him word that she had changed her mind and would not live with him; and ever since that time the defendant has not lived with the witness, the plaintiff further testified that prior to his marriage to her he had met her in Washington and Baltimore on different occasions, but could not remember at what places they had

36 met; upon being further interrogated by the Court he stated that he did not know the name of the hotel on Pennsylvania Avenue; that he did not know which side of the street it was on; that he did not know who kept it; that he did not know what streets it was between; that he did not know how many days he had stayed there; that he could not state how much he had paid the hotel for his own and his wife's board while there; that he did not know how much money he gave her to support herself with when he left; that he did not know how much he paid to the hotel for his wife's board in advance; that he did not know for how far in advance he paid the board and that he could give no idea as to any of these amounts. That his wife had been an inmate of a house of prostitution before he married her; was at the time of the marriage, and that they went together from the house of prostitution to the minister's to be married. The foregoing being the substance of all the testimony given by the plaintiff in open Court. The defendant Charlotte E. Roote in response to questions by the Court made the following statements. That she had known the plaintiff for about two years prior to their marriage, that for a long period of time before their marriage she was a resident of a house of prostitution; that the plaintiff visited her at said house on various occasions, had sexual intercourse with her, knew the nature of her life, both prior to and at the time of their marriage; that at the time of their marriage she was living at a house of prostitution, located at No. 1440 C St. N. W. Washington, D. C., from which house she went with

37 plaintiff to be married, and which was known to the plaintiff at the time; that they were married about four o'clock in the afternoon at the residence of the officiating clergyman on D St. N. W. near Third St., in Washington, D. C., that they went from there to a saloon near Tenth and E Sts., where they procured a drink, and later in the evening they proceeded to the house of

prostitution from which she was married and stayed there for two days together, when the plaintiff left her, that prior to their marriage plaintiff said that after they were married she would have to stay in the house of prostitution until he got the money to take her out; that they never did stop at a hotel on Pennsylvania Avenue or anywhere else at any time; that her husband never went to Pittsburgh and did not give her any money when he left her; that she was not at any time living with her sister in Baltimore; that some weeks after leaving the defendant the plaintiff called to see her and requested her to leave the house of prostitution and come and live with him but she refused; that about four months after the marriage her husband again called to see her and asked her to leave this house and come with him to live, which she agreed to do, provided he would pay the woman with whom she was living, the sum of fifteen dollars for board which she then owed, that the plaintiff agreed to do and gave her the money to pay the bill; that later during the same day he telephoned to her that he had secured rooms on East Capitol Street and would send a carriage for her in the evening to bring her away; that sometime late in the evening the carriage arrived; but she changed her mind and refused to go to her husband, and sent him word to that effect; that she was informed a few hours later

38 that her husband and his brother were at the house to see her; but she declined *the* see them.

And now the plaintiff prays the Court to sign and seal this statement of testimony taken in open Court and to make the same a part of the record, and the same is accordingly done, now for then, this 13th day of February, A. D. 1909.

WRIGHT, *Justice*.

File as a bill of exceptions.

WRIGHT.

Stipulation of Counsel as to Exhibit.

Filed February 19, 1909.

In the Supreme Court of the District of Columbia, Holding an Equity Court.

Equity. No. 28004.

OLAN G. ROOTE, Plaintiff,
vs.

CHARLOTTE E. ROOTE ET AL., Defendants.

It is hereby stipulated and agreed by counsel for the plaintiff and defendant in the above entitled cause; that the photograph of the plaintiff and defendant which was offered in evidence in the above entitled cause, and which was filed therein by the examiner and marked exhibit A, is genuine, and that same be excluded from the

transcript of record for the Court of Appeals, and that this agreement be inserted in its stead.

February 19th, 1909.

WM. J. NEALE,
Counsel for Plaintiff.
J. W. LATIMER,
Counsel for Defendants.

39

Order for Transcript of Record.

Filed February 19, 1909.

In the Supreme Court of the District of Columbia, Holding an
Equity Court.

Equity. No. 28004.

OLAN G. ROOTE, Plaintiff,

vs.

CHARLOTTE E. ROOTE ET AL., Defendants.

The Clerk of this Court will please include in the transcript of the record of the above-entitled cause on appeal to the Court of Appeals the following papers:

The bill of complaint, memorandum of the issuance of and return of subpoenas to answer, the petition to assign counsel and refer cause to examiner, the order assigning counsel and referring cause to examiner, the testimony taken before the examiner except exhibit A, and instead thereof the agreement of counsel in regard thereto, the statement of testimony taken by the Court in Chambers, the decree dismissing the bill, the plaintiff's entry of appeal, memorandum of issuance of and return of citation for appeal, memorandum of order fixing penalty of appeal bond, a memorandum of appeal bond filed and this designation.

WM. J. NEALE,
Attorney for Plaintiff.

Service accepted.

J. W. LATIMER,
Attorneys for Defendants.

40

Supreme Court of the District of Columbia.

UNITED STATES OF AMERICA,
District of Columbia, ss:

I, John R. Young, Clerk of the Supreme Court of the District of Columbia, hereby certify the foregoing pages numbered from 1 to 39 both inclusive, to be a true and correct transcript of the record according to directions of counsel herein filed, copy of which is made part of this transcript, in cause No. 28004, In Equity, wherein Olan

G. Roote is Plaintiff and Charlotte E. Roote, &c., *et al.* are Defendants, as the same remains upon the files and of record in said Court.

In testimony whereof, I hereunto subscribe my name and affix the seal of said Court at the City of Washington, in said District, this 12th day of March, A. D. 1909.

[Seal Supreme Court of the District of Columbia.]

JOHN R. YOUNG, *Clerk.*

Endorsed on cover: District of Columbia Supreme Court. No. 1996. Olan G. Roote, appellant, *vs.* Charlotte E. Roote, &c., *et al.* Court of Appeals, District of Columbia. Filed Mar. 17, 1909. Henry W. Hodges, clerk.



